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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/523,853

03/13/2000

Hadi Partovi

22379-710

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06/19/2006

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EXAMINER

NGUYEN, QUANG N

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/523,853

Applicant(s)

PARTOVI ET AL.

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20060118</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This Office Action is in response to the Amendment filed on 04/24/2006. Claim 38 has been amended. Claims 26-52 remain pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 01/18/2006 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 26-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Albal et al. (US 2003/0147518 A1), hereinafter "Albal".**

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5. As to claim 26, **Albal** teaches a method performed by a voice portal, comprising:
receiving a call from a caller, where the call includes identifying information (*the communication node 212 receives a call from a caller using home phone, work phone or cellular phone including the caller number*) (**Albal, paragraph [0048]**);

identifying a first voice character, based on the identifying information, to be used by the voice portal when audibly interacting with the caller (*through the use of automatic number identification "ANI" or caller line identification "CLI", the communication 212 can automatically identify the user and/or the user's communication device, and selects a voice character from various dialog voice personalities such as a female voice, a male voice, etc., based upon the user telephone number and/or the user's communication device to provide a greeting to the user "Hi, this is your personal agent, Maya, Welcome Bob. How may I help you?" i.e., interacting with the caller in a first voice character based on the caller identity or the caller's communication device*) (**Albal, paragraphs [0047-0048]**);

detecting a speaking voice associated with the caller through the voice portal interaction with the caller (*the automatic speech recognition unit "ASR" 254 processes the speech inputs from the user to determine/identify the user speech pattern*) (**Albal, paragraph [0066]**);

identifying a second voice character based on the detected speaking voice associated with the caller (*based on the user speech pattern determined/identified by the "ASR" 254 above, the communication node 212 can provide various dialog voice personalities and can implement various grammars/vocabulary to detect and respond to the audio inputs from the user, i.e., interacting with the caller in a second voice*

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character based on the identified caller's speech pattern) (**Albal**, paragraphs [0047] and [0066]); and

changing from the first voice character to the second voice character when further audibly interacting with the caller *(the application server 242 retrieves the information, processed the retrieved information and provides/outputs the information to the user according to one of various dialog voice personalities selected and provided by the communication node 212, i.e., outputs the information according to a second voice character based on the identified caller's speech pattern)* (**Albal**, paragraphs [0066] and [0074]).

6. As to claims 27-29, **Albal** teaches the method of claim 26, further comprising determining a locale associated with the call based on the identifying information; determining the first voice character as a voice character associated with the determined locale; and presenting prompts to the caller based on the determined locale *(analyzed/determined by the used of automatic number identification "ANI" or caller line identification "CLI" and based on the identified country code, area code and prefix that designates a particular geographic location, the caller's telephone number can identify a locale such as a city, state, region, country, and/or a particular place such as a hospital or a nursing home, etc., the communication node 212 can automatically select a voice character from various dialog voice personalities such as a female voice, a male voice, etc., based upon the identified particular geographic location from the caller telephone number, i.e., based upon the identified local to provide an appropriate greeting/prompt*

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to the user “Hi, this is your personal agent, Maya, Welcome Bob. How may I help you?”) (**Albal, paragraphs [0047-0048]**).

7. As to claim 30, **Albal** teaches the method of claim 26, further comprising determining a type of communication device used by the caller based on the identifying information (*the communication node 212 can automatically identify the user or the type of the user’s communication device through the use of Automatic Number Identification “ANI” or Caller Line Identification “CLI”*) (**Albal, paragraph [0048]**).

8. As to claim 31, **Albal** teaches the method of claim 30, wherein identifying a first voice character includes determining the first voice character based on the determined type of communication device used by the caller (*the communication node 212 can automatically select a voice character from various dialog voice personalities and/or select various speech recognition models based upon the user’s communication device*) (**Albal, paragraphs [0047-0048]**).

9. As to claim 32, **Albal** teaches the method of claim 26, further comprising determining actions of the caller during the voice portal interaction with the caller (*in response to audio inputs from the user, the communication node 212 retrieves information such as emails, web pages, documents, files, etc., from a destination or database of one or more of the information sources and provides a response to the user based on the retrieved information*) (**Albal, paragraphs [0046] and [0063]**).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albal, in view of Ksiazek (US 6,597,765).**

12. As to claim 33, **Albal** teaches the method of claim 32, wherein identifying a second voice character includes determining the second voice character based on the detected speaking voice associated with the caller (*based on the user speech pattern determined/identified by the "ASR" 254 above, the communication node 212 can provide various dialog voice personalities and can implement various grammars/vocabulary to detect and respond to the audio inputs from the user*), but does not explicitly teach determining the second voice character based on the determined actions of the caller.

In an analogous art, **Ksiazek** teaches a telecommunications system comprising an originating operator services position system (OSPS), which accesses the ANI database to determine the appropriate assigned operator language services for the telephonic call and also allows the user to selective change the assigned default

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language for the telephonic call (*for example, "To change the assigned language for the telephone operator services, please select the language you wish to use. Press *71 for English, press *72 for Spanish, press *73 for French, etc., i.e., determining the voice character based on the determined actions of the caller*) (**Ksiazek, col. 4, lines 3-13**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of **Albal** and **Ksiazek** to include determining the second voice character based on the determined actions of the caller since such methods were conventionally employed in the art to provide multi-language with multiple variations services to the user, to provide a user-friendly environment by using the user-preferred language, speech pattern, intonation, etc., and also to enhance the ability of voice processing system to allow to interact with electronic communications systems in a preferred voice character according to the user's location, identification and/or actions.

13. As to claim 34, **Albal-Ksiazek** teaches the method of claim 26, further comprising permitting the caller to select a third voice character; and changing from the second voice character to the third voice character when further audibly interacting with the caller (*enabling the user to selective change the assigned default language for the telephonic call via the prompt: "To change the assigned language for the telephone operator services, please select the language you wish to use. Press *71 for English, press *72 for Spanish, press *73 for French, etc.," i.e., determining the voice character based on the determined actions of the caller*) (**Ksiazek, col. 4, lines 3-13**).

14. Claims 35-43 are corresponding system claims of method claims 26-34; therefore, they are rejected under the same rationale.

15. Claims 44-51 contain similar limitations as claims 35-43; therefore, they are rejected under the same rationale.

16. Claim 52 contains similar limitations as claim 26; therefore, it is rejected under the same rationale.

Response to Arguments

17. In the Remarks, Applicants argued in substance that

(A) Prior Art does not disclose or suggest, "identifying a second voice character based on a speaking voice detected through the voice portal interaction with the caller", as broadly claimed.

As to point **(A)**, **Albal** teaches the "ASR" unit 254 processes the speech inputs from the user to determine the user's speech pattern and when the "ASR" unit 254 identifies a selected speech pattern of the user speech inputs, the "ASR" unit 254 sends

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an output signal to implement the specific function associated with the recognized voice pattern (**Albal**, paragraph [0066]). **Albal** also teaches the communication node 212 can provide various dialog voice personalities and can implement various grammars/vocabulary to detect and respond to the audio inputs from the user (i.e., respond to the user's speech inputs identified by the "ASR" unit 254 above) (**Albal**, paragraph [0047]).

Examiner respectfully submits that one having ordinary skill in the art would have appreciated that the selected speech pattern of the user speech inputs identified by the "ASR" unit 254, i.e., referred as "the user's speech pattern", can be used/applied by the communication node 212 to select the appropriate dialog voice personality associated with the identified speech pattern from the user speech inputs.

Hence, Prior Art does disclose or suggest, "identifying a second voice character based on a speaking voice detected through the voice portal interaction with the caller", as broadly claimed.

(B) Prior Art does not disclose or suggest, "changing from the first voice character to the second voice character when further audibly interacting with the caller", as broadly claimed.

As to point (B), **Albal** teaches through the use of automatic number identification "ANI" or caller line identification "CLI", the communication 212 can automatically identify the user and/or the user's communication device, and selects a voice character from various dialog voice personalities such as a female voice, a male voice, etc., based

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upon the user telephone number and/or the user's communication device to provide a greeting to the user "Hi, this is your personal agent, Maya, Welcome Bob. How may I help you?" (*i.e., interacting with the caller in a first voice character based on the caller identity or the caller's communication device when the user first calls in*) (**Albal, paragraphs [0047-0048]**). Then, after receiving and processing the user speech inputs by the "ASR" 254 to determine the user's speech pattern and after retrieving the information, processing the retrieved information by the application server 242, the information is outputted to the user according to one of various dialog voice personalities selected and provided in point (A) above by the communication node 212 (*i.e., outputs the information according to a second voice character based on the identified caller's speech pattern*) (**Albal, paragraphs [0066] and [0074]**).

Hence, Prior Art does disclose or suggest, "changing from the first voice character to the second voice character when further audibly interacting with the caller", as broadly claimed.

For at least these reasons, Examiner respectfully submits that claim 26 is anticipated by **Albal**. Claims 27-32 depend from claim 26 and are, therefore, also anticipated by **Albal** for at least the reasons given with regard to claim 26.

18. Applicant's arguments as well as request for reconsideration filed on 04/24/2006 have been fully considered but they are not deemed to be persuasive.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RUPAL DHARIA
SENIOR PATENT EXAMINER